

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on March 23, 2006, and the references cited therewith.

Claims 67-70 and 72-78 were pending. In the Office Action, Claims 67 and 69-70 and 72-78 were rejected, while Claim 68 was objected to, but indicated that it would be allowable if rewritten in independent form with Claim 67. Claim 67 has been amended to include, *inter alia*, the limitations of Claim 68; and Claim 68 and 75-78 are cancelled. No new matter has been added by the foregoing. As a result, Claims 67, 69, 70 and 72-74 are now pending in this application.

Applicant respectfully requests reconsideration of the above-identified patent application in view of the following remarks.

1. Objections

In the Office Action, the Examiner has objected to the claims and specification based on the use of “means for utilizing the fluid to rupture” language, and the Examiner’s contention that the specification fails to explicitly state what structure, materials, and acts perform the function recited in the claim element. Applicant has amended claim 67, the only claim with the language “means for utilizing the fluid to rupture.” The language objected to has been deleted and the language “means for fracturing” has been added. Such added language does not add new matter.

Inasmuch as the language objected to has been deleted, the objections to the claims and specification should be overcome, and the objection withdrawn.

2. Claim Rejections – 35 U.S.C. § 112

For the same reasons as stated above regarding the “Objections,” inasmuch as the objected to language has been deleted, this rejection to the claims should be overcome, and the

rejection withdrawn.

3. Claim Rejections

The Office Action indicated that claim 68 contained allowable subject matter and would be allowable if rewritten in independent form. The Applicant has amended claim 67, the only independent claim currently pending, to include the allowable subject matter of claim 68. Therefore, the Applicant believes that claim 67 is now in condition for allowance. Additionally, claims 69, 70 and 72-74 are dependent on claim 67 and since the independent claim is in condition for allowance, the dependent claims should be as well.

Therefore, the Applicant submits that all of the pending claims are in condition for allowance.

4. Conclusion

Applicant believes that all pending claims are in condition for allowance. Therefore, reconsideration and passage to allowance of same is respectfully requested.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

DATED: May ²³19, 2006

Respectfully submitted,

FACTOR & LAKE, LTD.

Jody L Factor, Reg. No. 34,157
One of Applicant's Attorneys

